

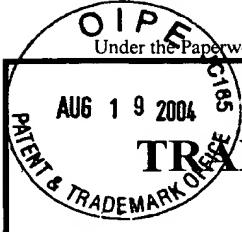
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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

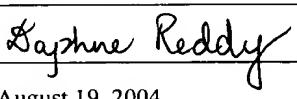
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 TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/990,439
		Filing Date	November 16, 2001
		First Named Inventor	Ashkenazi, et al.
		Group/Art Unit	1646
		Examiner Name	Murphy, Joseph
Total Number of Pages in This Submission		Attorney Docket Number	39780-2730P1C52

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i> stamped return postcard
<input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s)		
<input checked="" type="checkbox"/> Extension of Time Request (1-months)		
<input checked="" type="checkbox"/> Information Disclosure Statement (w/cited references) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

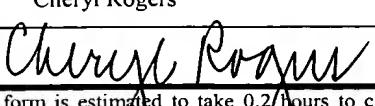
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	DAPHNE REDDY, Reg. No. 53,507, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	August 19, 2004	Customer Number:	35489

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop **AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Typed or printed name	Cheryl Rogers		
Signature		Date	August 19, 2004

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FEE TRANSMITTAL
AUG 19 2004 &
for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** **290.00**

Complete if Known

Application Number	09/990,439
Filing Date	November 16,2001
First Named Inventor	Ashkenazi, et al.
Examiner Name	Murphy, Joseph
Art Unit	1646
Attorney Docket No.	39780-2730P1C52

METHOD OF PAYMENT (check one)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number **08-1641 (Docket No. 39780-2730P1C52)**

Deposit Account Name **Heller Ehrman White & McAuliffe LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$290.00)**

SUBMITTED BY

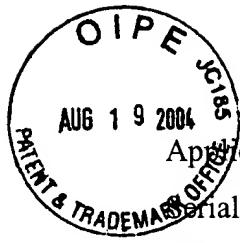
Complete (if applicable)

Name (Print/Type)	DAPHNE REDDY		Registration No. (Attorney/Agent)	53,507	Telephone	650-324-7000
Signature	<i>Daphne Reddy</i>		Date	August 19, 2004	Customer No. 35489	

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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8-23-04

1646
RJW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Avi J. ASHKENAZI, et al. Docket No.: 39780-2730 P1C52

Serial No.: 09/990,439 Group Art Unit: 1646

Filing Date: November 16, 2001 Examiner: Murphy, Joseph

For: NUCLEIC ACIDS ENCODING PRO830

EXPRESS MAIL LABEL NO. EL 993 689 085 US

Date Mailed: August 19, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION

MS: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on April 19, 2004 in connection with the above-identified patent application, please enter the following amendments, and consider the following arguments. This response is timely filed with a Petition for extension of time for one month with necessary fees. Attached herewith is an Information Disclosure Statement with appropriate fees.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 4 of this paper.

Remarks/Arguments begin on page 10 of this paper.

08/24/2004 CNGUYEN 0000063 081641 09990439

02 FC:1251 110.00 DA